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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JASWINDER SINGH,

Plaintiff,

v.

EMILIO T. GONZALEZ, Director,  
 United States Citizenship and Immigration  
 Services,

Defendant.

No. C 07-3584 SI

**JOINT CASE MANAGEMENT  
 STATEMENT and [Proposed] ORDER**

1. Jurisdiction and Service:

The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331 and 5 U.S.C. §§ 701 - 706. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

2. Facts:

Plaintiff filed a Form I-485 application to adjust his status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS) on or about on January 22, 2002. The USCIS has not yet adjudicated the Form I-485 application. The Plaintiff filed an action on July 11, 2007, seeking an order from this Court directing USCIS to adjudicate the Form I-485 application.

1 3. Legal Issues:

2 Whether this Court should dismiss the Plaintiff's action for lack of subject matter jurisdiction.  
3 If this Court has jurisdiction, whether the USCIS is processing the Plaintiff's I-485 application  
4 within a reasonable period of time.

5 4. Motions:

6 The parties intend to file cross-motions for summary judgment.

7 5. Amendment of Pleadings:

8 No parties, claims or defenses are expected to be added or dismissed.

9 6. Evidence Preservation:

10 The parties do not have any evidence that falls within this category.

11 7. Disclosures:

12 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to  
13 this case.

14 8. Discovery:

15 The parties do not intend to take any discovery at this time.

16 9. Class Actions:

17 N/A

18 10. Related Cases:

19 The parties are not aware of any related case or cases.

20 11. Relief:

21 The Plaintiff asks this Court to direct USCIS to adjudicate the Form I-485 application.

22 12. Settlement and ADR:

23 The Court granted the parties' request to be exempt from formal ADR process on October 3,  
24 2007.

25 13. Consent to Magistrate Judge for All Purposes:

26 Plaintiff does not consent to magistrate judge jurisdiction..

27 14. Other References:

28 The parties do not believe that this case is suitable for reference to binding arbitration, a

special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues:

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

16. Expedited Schedule:

The parties believe this case can be resolved on cross-motions for summary judgment.

17. Scheduling:

The parties propose the following schedule on the parties' cross-motions for summary judgment:

Cross-Motions for Summary Judgment:	February 1, 2008
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Cross-Oppositions:	February 15, 2008
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Hearing:	March 14, 2008 at 9:00 a.m.
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18. Trial:

The parties do not anticipate the need for a trial in this case.

19. Disclosure of Non-party Interested Entities or Persons:

Not applicable.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

None.

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1 Date: January 8, 2008

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO  
3 United States Attorney

4 /s/  
5 ILA C. DEISS  
6 Assistant United States Attorney  
7 Attorneys for Defendant

8  
9 Date: January 8, 2008

10 /s/  
11 JONATHAN KAUFMAN  
12 Attorney for Plaintiff

13 **CASE MANAGEMENT ORDER**

14 The Joint Case Management Statement and Proposed Order are hereby adopted by the  
15 Court as the Case Management Order for the case, and the parties are ordered to comply with this  
16 Order.

17 Date:

18 SUSANI ILLSTON  
19 United States District Judge  
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